

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-10 are all the claims pending in the application. By this Amendment, Applicant is canceling claims 4-10 and amending claims 1-3. No new matter is added.

Additional Fees

Submitted herewith is a Petition for Extension of Time with fee and an Excess Claim Fee Payment Letter with fee.

Claim to Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Information Disclosure Statement

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on October 27, 2003.

Claim Rejections - § 112

Claims 1-10 are rejected under 35 U.S.C. § 112, second paragraph, for the reasons set forth at page 2 of the Office Action. Applicant's amendments are believed to obviate this rejection.

The prior art rejections are summarized as follows:

1. Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gardoppe et al. (US 6,242,926).

2. Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gardoppe et al. (US 6,242,926) as applied to claim 2 above and further in view of Niebling et al. (US 4,684,021).

3. Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Gardoppe et al. (US 6,242,926) as applied to claims 1, 2 and 8, and further in view of Glenn et al. (US 6,844,929).

4. Claims 5, 6, 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Gardoppe et al. (US 6,242,926).

Applicant has canceled claims 4-10 and respectfully traverses the rejection of claims 1-3.

Claim Rejections - 35 U.S.C. § 102

1. *Claims 1 And 2 In View Of Gardoppe et al. (US 6,242,926).*

In rejecting claims 1 and 2 in view of Gardoppe et al. (US 6,242,926), the grounds of rejection state:

With regards to claims 1 and 8, Gardoppe et al (Gardoppe hereinafter) an apparatus for moving wafers to a pair of thickness measuring probes comprising:

a supporting unit (10) capable of supporting the object in a state in which the surface is in

a substantially vertical state (zero degree); and

a moving unit (23)[]which moves the object in a substantially vertical direction while the

inspected surface is maintained in the substantially vertical state.

With regards to claim 2, Gardoppe shows the supporting unit (10) includes a supporting member (12) which supports a

lower end of the object in the state in which the surface is in the substantially vertical state, and wherein the moving unit lifts the object until the lower end of the object is separated from the supporting member and thereafter lowers the object until the lower end of the object abuts on the supporting member at the wafer carrier box (not numbered but shows a second wafer).

Office Action at page 3.

Anticipation, under 35 U.S.C. § 102, requires the reference to “teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present.” Manual of Patent Examining Procedure (“MPEP”) § 706.02; *see also* MPEP § 2131. Gardopee et al. does not anticipate pending claims 1-3 under this standard.

Gardopee et al. discloses an apparatus for measuring the thickness of an article such as a semiconductor wafer by moving the article relative to and between a pair of non-contact distance sensing probes. In order to position the article between the probes, the apparatus holds the article in a substantially vertical state, and moves the articles as in the vertical state. However, Gardopee et al. does not teach or suggest a supporting member and a control unit for suppressing deformation such as warpage caused by the own weight of the object to be inspected as in the apparatus of claim 1.

In view of at least the foregoing distinction, the Examiner is kindly requested to reconsider and withdraw the rejection of claims 1-3.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

**Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/693,695**

Attorney Docket No.: Q78186

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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